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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,577	07/10/2003	Hideo Ikari	B422-237	1318

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COWAN LIEBOWITZ & LATMAN P.C.
JOHN J TORRENTE
1133 AVE OF THE AMERICAS
NEW YORK, NY 10036

EXAMINER	
SELBY, GEVELL V	

ART UNIT	PAPER NUMBER
2622	

MAIL DATE	DELIVERY MODE
09/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/616,577	IKARI ET AL.	
	Examiner	Art Unit	
	Gevell Selby	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *23 August 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1 and 2* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1 and 2* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *10 July 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/23/07 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection.

Specification

3. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi et al., US 6,037,972, in view of Oochi et al., US 2005/0179779 and Kozai, JP 2001-076891.

In regard to claim 1, Horiuchi et al., US 6,037,972, discloses an imaging device, comprising:

a mode setting member (see figure 7, element c) which allows a plurality of shooting modes to be set (see column 9, lines 21-29);

a first trigger member(see figure 7, element SW1) for shooting still images(see column 10, elements 1-4); and

a second trigger member (moving image shooting trigger switch) for shooting motion images, the second trigger member being different from the first trigger member (see column 10, lines 1-4); and

wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set, the first shooting mode shoots a still image and the second shooting mode shoot moving images (see column 10, lines 1-14).

The Horiuchi reference discloses a light emitter (see figure 1, element 45) in another embodiment; however the reference does not specifically disclose comprising:

a first light emitter configured to be able to emit light when shooting a still image and when shooting motion images; and

a second light emitter configured to emit light when shooting a still image and not to emit light when shooting motion images, the second light emitter being provided on a member which is different from a member on which the first light emitter is provided,

wherein the first shooting mode shoots a still image by causing a the first light emitter to emit light continuously when a first operation signal from the first trigger member is detected and causing the first light emitter to stop emitting light and causing a the second light emitter to emit light when a second operation signal from the first trigger member is detected, and

the second shooting mode, upon detecting an operation signal from the second trigger member, performs shooting motion images while causing the first light emitter to keep emitting light continuously.

Oochi et al., US 2005/0179779, discloses an imaging device comprising: a first trigger (see figure 2, element 19) member for shooting still images, wherein the first shooting mode shoots a still image by causing a first light emitter (see figure 2, element 23) to emit light continuously when a first operation signal from the first trigger member is detected (see figure 4, step s33-36 and para. 34 and 76-78: the first light emitter 23 emits light continuously after a first trigger (19) half-press) and causing the first light emitter to stop emitting light (see figure 4, step 39) and causing a second light emitter (see figure 2, element 21) to emit light when a second operation signal from the first trigger member is detected (see figure 4, steps S40-44: the second light emitter flashes after a first trigger full press) and wherein the first light emitter and the second light emitter are configured as separate emitters (see figure 2, elements 21 and 23).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Horiuchi et al., US 6,037,972 in view of Oochi et al., US 2005/0179779 to have a first light emitter configured to be able to emit

light when shooting a still image and when shooting motion images; and a second light emitter configured to emit light when shooting a still image and not to emit light when shooting motion images, the second light emitter being provided on a member which is different from a member on which the first light emitter is provided, wherein the first shooting mode shoots a still image by causing a the first light emitter to emit light continuously when a first operation signal from the first trigger member is detected and causing the first light emitter to stop emitting light and causing a the second light emitter to emit light when a second operation signal from the first trigger member is detected, in order to properly light and focus on the desired object in low and normal lighting conditions, thus obtaining a higher quality image.

Kozai, JP 2001-076891, discloses an imaging device, comprising:

a mode setting member (see abstract: control 3) which allows a plurality of shooting modes to be set (see abstract: animated picture mode and static picture mode);

a trigger member for shooting motion images (see para 27:activation by a person using some camera input),

wherein the mode setting member allows at least a first shooting mode and a second shooting mode to be set (see para 26),

and the second shooting mode, upon detecting an operation signal from the second trigger member, starts shooting motion images while causing a the first light emitter to keep emitting light continuously (see abstract: in an animated picture photograph mode).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Horiuchi et al., US 6,037,972 in view of Oochi et al., US 2005/0179779, and Kozai, JP 2001-076891, to have a second shooting mode, upon detecting an operation signal from the second trigger member, starts shooting motion images while causing a the first light emitter to keep emitting light continuously, in order to properly light and focus on the desired object in low and normal lighting conditions, thus obtaining a higher quality image

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Horiuchi et al., US 6,037,972 in view of Oochi et al., US 2005/0179779, and Kozai, JP 2001-076891, as applied to claim 1 above, and further in view of Kurokawa, US 6,426,775.

In regard to claim 2 Horiuchi et al., US 6,037,972 in view of Oochi et al., US 2005/0179779, and Kozai, JP 2001-076891, discloses the imaging device according to claim 1, wherein the mode setting member allows a third shooting mode to be selected (see Horiuchi: see column 10, lines 12-14, concurrent shooting mode). The Horiuchi, Yasuda, and Kawase references do not disclose wherein the third shooting mode does not cause the first light emitter to emit light continuously even if the first operation signal from the first trigger member is detected, and shoots a still image by causing the second light emitter to emit light when the second operation signal from the first trigger member is detected.

Kurokawa, US 6,426,775, discloses an image pickup apparatus with a shooting mode that does not cause the first light emitter (auxiliary light16) to emit light continuously even if the first operation signal (first switch) from the first trigger member

is detected unless it is dark, and shoots a still image by causing the second light emitter (flash emission part 16) to emit light continuously when the second operation signal (second switch) from the first trigger member is detected (see figure 2 and column 4, lines 1-61).

It would have been obvious to one of ordinary skill in the art at the time of invention to have been motivated to modify Horiuchi et al., US 6,037,972 in view of Oochi et al., US 2005/0179779, and Kozai, JP 2001-076891, and further in view of Kurokawa, US 6,426,775, to have a third shooting mode that does not cause the first light emitter to emit light continuously even if the first operation signal from the first trigger member is detected, and shoots a still image by causing the second light emitter to emit light continuously when the second operation signal from the first trigger member is detected, in order to save battery power.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Gevell Selby, Art Unit 2622
gvs